

**ASSEMBLY BILL**

**No. 2008**

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**Introduced by Assembly Member Swanson**

February 15, 2008

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An act to add Section 47605.4 to the Education Code, relating to the Oakland Unified School District.

LEGISLATIVE COUNSEL'S DIGEST

AB 2008, as introduced, Swanson. Oakland Unified School District: approval of charter school petitions.

Existing law provides for emergency apportionments to school districts subject to specified conditions, including, in certain circumstances, the appointment by the Superintendent of Public Instruction of an administrator to exercise the powers and responsibilities of the governing board of the school district. Due to receipt by the Oakland Unified School District of an emergency apportionment from the state, the Superintendent was required by statute to assume all the rights, duties, and powers of the governing board of the district and to appoint an administrator to act on behalf of the Superintendent in exercising the Superintendent's authority over the district.

The Charter Schools Act of 1992 authorizes a petition for the establishment of a charter school within any school district to be circulated by one or more persons seeking to establish the school and submitted to the governing board of the school district for review after specified conditions are met. The act authorizes the governing board of a school district, after reviewing the petition and holding a public hearing on the subject, to grant or deny the petition on the basis of certain specified criteria. The act provides an appeal procedure in the event of the denial of a petition in which a petitioner may submit the

petition to the county board of education or the State Board of Education.

This bill would prohibit any chartering authority from approving a petition to establish a charter school within the geographic boundaries of, or under the jurisdiction of, the Oakland Unified School District while the administrator appointed by the Superintendent continues to exercise any of the powers and responsibilities of the governing board or the district has an outstanding balance on the emergency appointment it received.

This bill would declare that, due to the unique circumstances regarding governance of the Oakland Unified School District, a general statute cannot be made applicable.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 47605.4 is added to the Education Code,  
2 to read:

3 47605.4. Notwithstanding any other provision of law, a petition  
4 to establish a charter school within the geographic boundaries of,  
5 or under the jurisdiction of, the Oakland Unified School District  
6 shall not be approved by any chartering authority while either of  
7 the following is applicable:

8 (a) The administrator appointed by the Superintendent pursuant  
9 to Chapter 14 of the Statutes of 2003 continues to exercise any of  
10 the powers and responsibilities of the governing board of the school  
11 district.

12 (b) The school district has an outstanding balance on the  
13 emergency apportionment it received pursuant to Chapter 14 of  
14 the Statutes of 2003.

15 SEC. 2. The Legislature finds and declares that, due to the  
16 unique circumstances regarding governance of the Oakland Unified  
17 School District, a general statute cannot be made applicable within  
18 the meaning of Section 16 of Article IV of the California  
19 Constitution.

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